

Dear Committee Members,

My name is Peter Kuck and I am a member of the Board of Firearms Permit Examiners (BPFE). In the name of full disclosure I am also one of the individuals who have filed a Civil Rights suit against the Department of Public Safety.

Specific comments in regards to the contents of raised Bill No. 6337 An Act concerning firearms preemption.

I support this bill as it codifies the rights of our states citizens under a single set of state statutes. Laws that were based on the erroneous belief that there was no individual right to keep and bear arms have been found unconstitutional and this includes laws that were arbitrarily and capriciously passed in Connecticut on a local level. It will guarantee that our states citizens will have a single set of laws to abide by throughout the state.

This Bill removes the arbitrary and capricious patchwork of municipal rules that have been put in place across the state and at the same time it will also remove the possibility of mischief making by local authorities based on personal political beliefs.

The passage of this bill will protect the towns and municipalities of our state from challenge in Federal Court due to their enforcement of local ordinances that are obviously local variations or experimentation. It will also eliminate existing state mandates that help drain their local budgets.

Specific comments in regards to the contents of raised Bill No. 966 An Act concerning permits to sell firearms.

I support this bill as it recognizes that a permit to sell firearms issued by the state is in fact a state wide permit. This bill goes hand in hand with raised Bill No. 6337 An Act concerning firearms preemption.

I note that section (b) appears to add common sense language that limits the off-site impact to "premises of any meeting of, or exhibition by, an organized collectors' group or any gun show, as described in section 29-37g".

This bill will require the following change to State Statute section 29-36L (c) "The Department of Public Safety shall establish days and hours during which the telephone number or other electronic means shall be operational for purposes of responding to inquiries, taking into consideration the normal business hours of retail firearm businesses **and such days during the hours on which any gun show as described in section 29-37g is open to the public.**

I also support merging the following language from raised Bill number 6376 into Raised Bill 966 for consistency in dealing with Section 29-31 of the State Statutes.

[The vendor of any pistol or revolver shall keep a record of each pistol or revolver sold in a book kept for that purpose, which record shall be in such form as is prescribed by the Commissioner of Public Safety and shall include the date of the sale, the caliber, make, model and manufacturer's number of such pistol or revolver and the name, address and occupation of the purchaser thereof, and shall be signed by the purchaser and by the person making the sale, each in the presence of the other, and shall be preserved by the vendor of such pistol or revolver for at least six years.]

Specific comments in regards to the contents of raised Bill No. 6376 An Act eliminating the requirement of a book recording each sale of a pistol or revolver.

I support the concept of this bill but recommend it be merged with raised Bill No. 966 since both bills Change Section 29-31 of State Statutes.

Specific comments in regards to the contents of raised Bill No. 6416 An Act concerning the regulation of firearms.

This bill contains both good and bad legislation and, therefore, I cannot support this bill in its current form.

I support the following changes to Section 53-206d of the general statutes listed in Raised bill 6416 provided that an addition that requires the enforcement authority to administer either a Blood Alcohol test or a breathalyzer test to provide the accused with a positive defense from prosecution.

(a) (1) No person shall carry a pistol, revolver, machine gun, shotgun, rifle or other firearm, which is loaded and from which a shot may be discharged, upon his person (A) while under the influence of intoxicating liquor or any drug, or both, or (B) while the ratio of alcohol in the blood of such person is [ten-hundredths] eight-hundredths of one per cent or more of alcohol, by weight.

(2) Any person who violates any provision of this subsection shall be guilty of a class B misdemeanor.

(b) (1) No person shall engage in hunting while under the influence of intoxicating liquor or any drug, or both, or while impaired by the consumption of intoxicating liquor. A person shall be deemed under the influence when at the time of the alleged offense the person (A) is under the influence of intoxicating liquor or any drug, or both, or (B) has an elevated blood alcohol content. For the purposes of this subdivision, "elevated blood alcohol content" means (i) a ratio of alcohol in the blood of such person that is [tenhundredths] eight-hundredths of one per cent or more of alcohol, by weight, or (ii) if such person has been convicted of a violation of this subsection, a ratio of alcohol in the blood of such person that is seven-hundredths of one per cent or more of alcohol, by weight. A person shall be deemed impaired when at the time of the alleged offense the ratio of alcohol in the blood of such person was more than seven-hundredths of one per cent of alcohol, by weight, but less than [ten-hundredths] eight-hundredths of one per cent of alcohol, by weight.

(2) Any person who violates any provision of this subsection shall be guilty of a class A misdemeanor.

(3) Enforcement officers of the Department of Environmental Protection are empowered to arrest for a violation of the provisions of this subsection.

I oppose all of the recommended changes in this bill in regards to eligibility certificates for Constitutional reasons.

There have been three US Supreme Court decisions that impact the Connecticut "eligibility card" requirement. The First is Heller V DC in which the right to keep and bear arms was confirmed as an individual right. The second was the McDonald V Chicago case that confirmed that a citizens 2nd amendment rights must be honored by the states. The third case was a 1940 ruling in Cantwell V Connecticut in which the US Supreme Court ruled in Part that *"the availability of a judicial remedy for abuses in the system of licensing still leaves that system one of previous restraint which, in the field of free speech and press, we have held inadmissible. A statute authorizing previous restraint upon the exercise of the guaranteed freedom by judicial decision after trial is as obnoxious to the Constitution as one providing for like restraint by administrative action".* Make no mistake about it, the requirement of an "eligibility card" for the purchase of a firearm for within a citizen's home is now a *"previous restraint upon the exercise of the guaranteed freedom"* as ruled by the US Supreme Court in Heller V DC. An argument that an eligibility certificate is not a license is specious at best. Changing the name does not change reality. **We need to return to the system of a 48 hour waiting period for individuals without pistol permits or valid Federal Firearms licenses that include an individual check by the Department of Public Safety for Federal and State disqualifiers.**

I support the changes to Section 29-37a of the general statutes listed in Raised bill 6416 provided the following language that runs contrary raised bill number 6377 is stripped out of this bill.

“and one receipt to the chief of police or, where there is no chief of police, the warden of the borough or the first selectman, of the town in which the purchaser resides”. State preemption puts the primary responsibility on the State for the funding of the preempted activity. It is imperative that local police departments have unlimited access to the State firearms system to protect their officers. To mandate the creation of separate systems for the tracking of firearms by local police departments, that will over time go out of sync with the states records, is both a waste of local resources and posses a potential risk to local peace officers.

I support the changes to Section 29-37g of the general statutes listed in Raised bill 6416 for dual notification of the Department of Public Safety in regards to gun shows provided the passage of preemption changes in raised bill number 6377.

The passage of the preemption Statute (**raised bill number 6377**) would logically require the notification of the Department of Public Safety. We should consider local notification a matter of common sense since it is the local departments that need to keep an eye on the facilities where gun shows are held during off show hours.

Thank You

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